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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

PETER ROY ALFRED : DOCKET NO. 2: 03 CV 703

VS. : JUDGE MINALDI

ALLEN CORRECTIONAL CENTER : MAGISTRATE JUDGE WILSON

MEMORANDUM RULING

January 6, 2005, a Judgment of Partial Dismissal [doc. 68] was granted dismissing defendants Linda Hausuer, Norman Ceasar and Monta Lee Kershaw without prejudice.

February 15, 2005, judgment [doc. 72] was granted on a Motion for Summary Judgment [doc. 65] by James Simon and Marcus Clear, dismissing the plaintiff's claims against them with prejudice. The civil case was closed February 15, 2005.


February 23, 2005 the plaintiff filed a Motion Not to Dismiss the Defendants [doc. 73]. The Motion was denied as Moot on March 2, 2005 [doc. 74] by Magistrate Judge Alonzo P. Wilson. The Magistrate Judge noted that these defendants had been dismissed on January 6 and the case had been closed February 15, 2005.

June 21, 2005, the plaintiff filed an Appeal [doc. 80] of the February 23, 2005 order. June 28, 2005, the plaintiff filed a Motion for Oral Argument [doc. 83]. This motion included a Motion for Appointment of Counsel.

The plaintiff's appeal will be denied. The appeal was not filed until approximately four months after the Magistrate Judge's Order denying relief was issued. The appeal is untimely. The

plaintiff's Motion for Oral Argument and for Appointment of Counsel will be denied.

Lake Charles, Louisiana, this 13 day of July, 2005.



PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE